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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,838	06/10/2002	Motoki Kato	450101-03168	2206
7590	01/12/2007		EXAMINER	
William S Frommer Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151			ZHAO, DAQUAN	
			ART UNIT	PAPER NUMBER
			2621	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/12/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	10/018,838	KATO ET AL.
	Examiner Daquan Zhao	Art Unit 2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 December 2001.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,4-14,17-19 and 24-30 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,2,4-14,17-19 and 24-30 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 19 December 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/19/2001</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 13,14, 28, 29, and 30 are rejected under 35 U.S.C. 101 because claim 13, 14, 28, 29, and 30 are drawn to computer program per se. Considering the claim as “functional descriptive material” imparts with functionality, but not being employed as a computer component (or other physical structures), is considered not statutory. “In contrast, a claimed computer-readable medium encoded with a computer program... is thus statutory.” (See “*Interim Guideline for Examination of Patent Application for Patent Subject Matter Eligibility*”, ANNEX IV, Page 53, First Paragraph;).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12-14, 17-18, 19, 24, 25, 26, 27-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsumagari et al (US 6,556,773 B2).

For claim 1, Tsumagari et al teach an information processing apparatus comprising:

- generating means for generating ClipMark formed by a mark specifying a characteristic picture extracted from an input AV stream, as management information for supervising the AV stream (e.g. figure 6, User Defined PGC Information Table UD_GPCIT is in the RTR video Manager, see column 11, line 58- column 12, line 6, at each entry point entered by the user, the I-picture is extracted as a mark for the entry point, see column 30, lines 28-51 and figure 36: ClipMark-> user defined entry point), and for generating PlayListMark, formed by marks pointing to a picture optionally specified by a user, from a reproduction domain corresponding to the PlayList defining the combination of preset domains in said AV stream

(e.g. column 13, lines 26-41, each play list is made up of a user defined PGC and each PL_SRPT has PGC number corresponding to that play list: PlayListMark-> PL_SRPT, play list search pointer); and

- recording means for recording said ClipMark and PlayListMark as respective independent tables on a recording medium (the user defined entry point and the play list search pointer are stored in the RTR video manager RTR-VMG as navigation data, column 11, line 58- column 12, line 6).

Claims 12, 13 and 14 are rejected for the same reasons as discussed in claim 1 above.

Claim 25 is rejected for the same reasons as discussed in claim 1 above with further limitation: control mean for acquiring a recording position corresponding to said mark stated in the ClipMark or playlistMark reproduced and for controlling said reproducing means responsive to the so acquired position (e.g. figure 28, column 21, line 5- column 22, line 2, Presentation time of the PGC is converted into physical address by the file system).

Claims 27, 28, 29 and 30 are rejected for the same reasons discussed in claim 25 above.

For claim 2, Tsumagari et al teach the information processing apparatus according to claim 1 wherein said generating means generates said ClipMark and said PlayListMark as a ClipInformation file and as a Playlist file, respectively (e.g. figure 17

shows a file for the User Defined PGC, and figure 10 shows a file for the play list search pointer).

For claim 4, Tsumagari et al teach the information processing apparatus according to claim 1 wherein, in reproducing said PlayList, said mark forming the ClipMark of said AV stream corresponding to the reproduction domain of said PlayList is referenced (e.g. column 40, line 46- column 41, line 15, reproduction domain-> one data object).

For claim 5, Tsumagari et al teach the information processing apparatus according to claim 1 wherein said mark of the PlayListMark includes presentation time stamp and the identification information for indicating one reproduction domain specified on said AV stream data forming the reproduction route of said PlayList (e.g. column 16, lines 1-18, VOBU start time).

For claim 6, Tsumagari et al teach the information processing apparatus according to claim 1 wherein said mark forming the ClipMark or said mark forming said PlayListMark includes the information specifying an entry point of an elementary stream (e.g. figure 4 shows the elementary stream Video Object DA22).

For claim 7, Tsumagari et al teach the information processing apparatus according to claim 1 wherein said mark of the PlayListMark includes the information of the type at least including the Resume point of the start point of a favorite scene or a Resume point of the PlayList specified by a user (e.g. figure 7, resume marker, column 12, lines 33-47).

For claims 8 and 17, Tsumagari et al teach the information processing apparatus according to claim 1 wherein said mark of the ClipMark and said mark of the PlayListMark are represented by an address of a relative source packet corresponding to an entry point of said AV stream (e.g. column 16, 22-35, address offset).

For claims 9 and 18, Tsumagari et al teach the information processing apparatus according to claim 8 wherein said mark of the ClipMark and said mark of the PlayListMark are represented by a first address of a relative source packet corresponding to an entry point of said AV stream and by a second address of an offset from said first address, respectively (e.g. column 16, 22-35, address offset and time offset).

For claim 10, Tsumagari et al teach the information processing apparatus according to claim 1 further comprising: type detection means for detecting the type of said characteristic picture detected at the time of recording by said first recording means; said first recording means recording said mark forming said ClipMark and said type as detected by said detection means (e.g. column 20, lines 1-19, information type).

For claims 11 and 19, Tsumagari et al teach the information processing apparatus according to claim 1 wherein said mark of said ClipMark includes a scene change point, a commercial start point, commercial end point or a title displaying scene (e.g. figure 36, title for displaying scene-> “Cinderella”).

For claim 24, Tsumagari et al teach playlistMark further includes a mark specifying a Resume point in reproducing said playlist (e.g. column 12, lines 33-47, resume marker).

For claim 26, Tsumagari et al teach presentation controlling means for managing control to cause a list by a thumbnail picture associated with said playListMark to be presented to a user (e.g. column 30, lines 47-51, figure 36).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kondou et al (US 7,024,095 B1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daquan Zhao



A handwritten signature of Tran Thai Q is written diagonally across the text. The signature is fluid and appears to read "TRAN THAI Q".

Tran Thai Q
Supervisory Patent Examiner